

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1921 of 2019

- Mahendra Kumar Jain S/o Hastimal Jain Aged About 66 Years Shop No. 7, Textile Market, Pandri, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan,
2. Raipur Development Authority District- Raipur, Chhattisgarh.
3. The Municipal Corporation, Raipur Through Commissioner, Zone No. 2, Raipur, District- Raipur, Chhattisgarh.
4. The Town And Country Planning Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	Shri Sachin Nidhi, Advocate.
For Respondent No.1/State	Shri Jitendra Pali, Dy. A.G. with Smt. Sunita Jain, G.A.
For Respondent Nos. 2 & 3	Shri Pankaj Agrawal, Advocate.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/05/2019

1. In view of the order passed by this Court in WPC No.1900/2019, ***Chandra Bai Vs State of Chhattisgarh and others*** on 24.05.2019, wherein it was ordered as under:-

“Perused the order dated 03.05.2018 passed in WP (PIL) 12 of 2018 which finds reference in notice Annexure P-1. In such order the Division Bench of this Court has directed that the encroachments in the Pandri Cloth Market, Raipur shall be identified and dealt with by the Corporation in accordance with law. Primary reading of the notice would show that the petitioner has not encroached the land but notice is served for removing the additional/ illegal construction. Therefore, the direction given in WP (PIL) 12 of 2018 may not be directly applicable for the reasons stated in the notice. The petitioner as

appears has not been heard before issuance of such direction. Under the circumstances, it is directed that the petitioner in pursuance to the notice dated 08.05.2019 may file their respective representations/submissions within a period of thirty days from today before the Municipal Corporation, Raipur, who will decide the same objectively taking into the spirit of the order passed in WP (PIL) No.12 of 2018 within a further period of 3 months from the date of representation after giving fair opportunity of hearing to the petitioners after hearing them afresh. Therefore, for the present, the notice dated 08.05.2019 shall not be acted upon till then. It is further directed that the petitioner shall not cause any encroachment over the subject area or shall not obstruct the way in any manner which may lead to obstruction of traffic.”

2. Accordingly, the present writ petition is disposed of.
3. Copy of the order passed in WPC No.1900/19 referred to above be placed on record of the present writ petition.

Sd/-
(Rajani Dubey)
Vacation Judge

Akhilesh